

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ELIAS ZAVALA,

Defendant.

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CASE NO. 8:01CR259

MEMORANDUM AND ORDER

This matter is before the Court on the Defendant's "Notice of Filing," ECF No. 196, which was construed by the Clerk as a Motion to Vacate under 28 U.S.C. § 2255. In the Notice of Filing, however, Defendant Elias Zavala ("Zavala") states repeatedly that the filing is *not* a Motion to Vacate under 28 U.S.C. § 2255, but a motion to strike the Indictment based on an alleged fraud perpetrated against the Court.

While Zavala's Notice of Filing is lengthy, it is not possible to discern the nature of the fraud alleged. In general, he asserts that he was "criminally victimized by mean-spirited officers of the court and their surrogates." ECF No. 196, Page ID 744.

The Court has carefully reviewed the record in this case and finds no support for Zavala's allegation of fraud. Accordingly, his motion to strike the Indictment will be denied.

IT IS ORDERED:

1. The Defendant's Notice of Filing (ECF No. 196) in which the Defendant Elias Zavala moves to strike the Indictment based on alleged fraud is denied; and
2. The Clerk shall mail a copy of this Memorandum and Order to the Defendant, Elias Zavala, #17312-047, P.O. Box 1000, Loretto, PA 13940.

DATED this 30th day of December, 2016.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge